SPONSOR: Rep. Yearick & Sen. Bonini

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 379
AS AMENDED BY
HOUSE AMENDMENT NO. 1
AND
SENATE AMENDMENT NO. 1

AN ACT TO AMEND THE CHARTER OF THE TOWN OF WOODSIDE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend Section 1, Chapter 204, Volume 63, Laws of Delaware, as amended, by making insertions as shown by underlining and deletions as shown by strike through as follows:

(1.27) May pass ordinances and rules for the good government and good order of the Town and for all matters relating to the general health, safety, morals, peace, and welfare of the Town. By way of example and not in limitation, the Town shall have authority to adopt ordinances

(a) for the lighting and improvement of streets;

(b) for the paving or other improving of sidewalks;

(c) for the planting and protection of ornamental trees;

(d) to define, prevent, and abate nuisances, obstructions or any other condition detrimental to the public safety, health or welfare; and to cause the cost of such abatement or removal to be paid by the legal entity or individual(s) causing or permitting the same to exist;

(e) to define, investigate, prevent, abate, and remove fire and explosive hazards;

(f) to construct, improve, extend, and maintain water mains, fire hydrants and other proper instruments for the prevention and combating of conflagrations;

(g) to regulate and control pedestrian, automobile and animal-drawn traffic over the streets, squares, lanes, alleys, sidewalks, and other public places in the town, (including the parking and non-parking of vehicles in the town); provided however, that such ordinances shall not conflict with any laws of the State of Delaware;

(h) to prevent, suppress, and regulate bonfires, the firing of firearms, air or spring guns, and the setting off or exploding of firecrackers, fireworks, torpedoes, or any other explosives;

(i) to prevent or regulate the keeping of animals within the Town and to prohibit the running-at-large of such animals;

(j) to prohibit gaming and fraudulent devices;

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(k) to regulate all public sports, exhibitions, shows, parades, productions, circuses or other public performances, amusements, and games;

(l) to require the removal of ice, snow, dirt or other foreign substances from sidewalks and gutters by owners or abutting owners,

(m) to prevent vice, drunkenness, and immorality;

(n) to provide for or regulate the numbering of houses and lots on the streets of the Town and the naming of public streets, alleys, and avenues;

(o) to exercise all powers and authorities vested in the Town by virtue of Chapter 3, Title 22 of the Delaware Code regarding the zoning and subdivision of lands as the same may, from time to time hereafter be amended;

(p) to define, abate, demolish, and remove dangerous buildings and other dangerous structures in the Town, including the power to condemn and cause to be torn down and removed any such structure which, upon inspection, is determined to be a fire hazard or otherwise be unsafe; provided however, that any such ordinance shall provide procedures for notice and opportunity to be heard and to correct the hazardous condition by the affected property owner and/or lienholders, and to otherwise comply with Chapter 39, Title 25 of the Delaware Code as it may from time to time hereafter be amended and to cause the cost of such abatement or removal to be paid by the legal entity or individual(s) causing or permitting the same to exist;

(q) to regulate solicitors, peddlers, traveling salesmen, hucksters, and hawkers;

(r) to grant franchises or license any responsible person, firm, association or corporation for such period of time and upon such terms, restrictions, stipulations, and conditions, and for such considerations as the Town Council shall deem in the best interests of the municipality to use the present and future streets, alleys, squares, parks, sidewalks and other public places of the Town for the purpose of furnishing heat, light, power, gas, water, sewer, drainage, electric current, telephone, telegraph or television from, through, or into the Town; provided however, that such ordinances shall be subordinate to any appropriate State or federal statute, and to any appropriate rule or regulation adopted by a State or federal agency acting pursuant to statute.

(s) to grant licenses and issue permits, and impose fees for licenses and permits, and regulate any activity within the corporate limits of the Town.

(t) to impose and collect a tax upon the transfer of real property within the Town, not to exceed 1 and 1/2 percent of the value of the real property as represented by the document transferring the real property or the maximum percentage permitted under state law, whichever is greater. The provisions of Chapter 54, Title 30, of the Delaware Code, as it may be hereby amended from time to time, and any other existing or future corresponding provisions of law, shall apply with respect to any realty transfer tax imposed by the Town pursuant to the authority granted herein. The Town Council may

adopt an ordinance or ordinances to provide for the effective administration and regulation of any realty transfer tax adopted pursuant to the authority granted herein.

(1.28) May make, adopt and establish all such ordinances, regulations, rules, and by-laws not contrary to the laws of this State and the United States as the Town Council may deem necessary to carry into effect any of the provisions of this Charter or any other law of the State relating generally to municipal corporations or which they may deem proper and necessary for the order, protection and good government of the Town; the protection and preservation of persons and property; and of the public health, safety, and welfare of the Town and its inhabitants.

(1.29) May provide for the punishment of a violation of any ordinance of the Town by a fine not exceeding ~~one hundred dollars ($100.00)~~ five hundred dollars ($500.00).

Section 2. Amend Section 2, Chapter 204, Volume 63, Laws of Delaware, as amended, by making insertions as shown by underlining and deletions as shown by strike through as follows:

(2.2) In the event it becomes feasible and necessary in the future for the Town to enlarge its then existing limits and territory, such annexation accomplished pursuant to the following procedures shall be lawful:

(2.21) If all of the property owners of the territory contiguous to the then existing corporate limits and territory of the Town, by written Petition with the signature of each such Petitioner duly acknowledged, shall request the Town Council to annex that certain territory in which they own property, the Mayor shall appoint a Committee composed of three (3) members of the Town Council to investigate the possibility of annexation. The Petition presented to the Town Council shall include a description of the territory requested to be annexed and the reasons for the requested annexation. Not later than ninety (90) days following its appointment by the Mayor, as aforesaid, the Committee shall submit a written report containing its findings and conclusions to the Mayor and Town Council. The report so submitted shall include the advantages and disadvantages of the proposed annexation to the Town and to the territory proposed for annexation and shall contain the recommendation of the Committee and the reasons therefor. If the Committee recommends the annexation, the Town Council may annex such territory into the Town by adopting a resolution passed by the affirmative vote of two-thirds (2/3) of all the elected members of the Town Council and then recording a description and plot of the territory so annexed with the Kent County Recorder of Deeds as outlined in section 2.31 herein. If the Committee does not recommend the annexation, the procedure to be followed shall be the same as hereinafter provided for annexations proposed by less than all the property owners of a territory contiguous to the then limits of the Town.

(2.22) If less than all of the property owners of a territory contiguous to the then limits and territory of the Town by written Petition with the signature of each such Petitioner duly acknowledged, shall request the Town Council to annex that certain territory in which they own property, the Mayor shall appoint a Committee composed of three (3) members of the Town Council to investigate the possibility of annexation. The Petition presented to the Town Council shall include a description of the territory requested to be annexed and the reasons for the requested annexation. Anything herein to the contrary

notwithstanding, the Town Council may initiate an annexation without a request from the property owners by passing a resolution, by majority vote of the elected members thereof, to create a committee composed of three (3) members of the Town Council to investigate the possibility of annexing any certain territory contiguous to the then limits and territory of the Town.

(2.23) Not later than ninety (90) days following the appointment of a committee under section 2.22, the Committee shall submit a written report containing its findings and conclusions to the Mayor and the Town Council. The report shall include the advantages and disadvantages of the proposed annexation to the Town and the territory proposed for annexation and shall contain the recommendation of the Committee and the reasons therefor. If the Committee recommends the annexation, within thirty (30) days after receiving the report, the Town Council may pass a resolution by majority vote proposing to annex the territory and scheduling a public hearing. If the Committee does not recommend the annexation, within thirty (30) days after receiving the report of the Committee, a resolution proposing to annex the territory and schedule a public hearing shall be considered by the Town Council. If the resolution fails to receive the affirmative vote of two-thirds (2/3) of the members of the Town Council, the territory proposed for annexation shall not be reconsidered for annexation for a period of one (1) year from the date that the resolution failed to receive the required votes. The resolution proposing the annexation shall contain a description of the territory proposed for annexation and shall fix a time and place for a public hearing on the subject of the proposed annexation. If two-thirds (2/3) of the Council members vote to approve the resolution, a public hearing shall be scheduled and, at least thirty (30) days prior to the public hearing the resolution shall be printed in a newspaper having a general circulation in the Town, and it shall be posted in at least one (1) public place both in the Town and the territory proposed for annexation, and it shall be mailed to the property owner at the owner's last known address.

(2.24) Following the public hearing, but no later than thirty (30) days thereafter, a resolution may be passed by a majority of the Town Council ordering a special election to be held not less than thirty (30) nor more than sixty (60) days after the said public hearing on the subject of the proposed annexation. Passage of this resolution shall ipso facto be considered the determination of the Town Council to proceed with the matter of the proposed annexation. Failure to pass this resolution shall be considered a rejection of the proposed annexation.

(2.25) The notice of the time and place of the said special election shall be posted in one (1) public place in the Town and on each parcel proposed for annexation at least fourteen (14) days prior to the date set for the said special election. Each placard posted on each parcel proposed for annexation shall be at least two feet by two feet in dimension. Notice of the time and place of the special election shall also be published in at least one (1) issue (per week) of a newspaper having a general circulation in the Town, for two (2) consecutive weeks, with the last of such notices being published at least seven (7) days prior to the date of the said special election.

(2.26) At the special election, every resident of the Town or the territory proposed to be annexed over the age of eighteen (18) years shall have one (1) vote. Every owner of property within either the Town or the territory proposed for annexation who is not a resident therein, whether an individual, partnership, or a corporation, shall have one (1) vote. In the cases of jointly owned property, each property owner shall be entitled to one vote. Life tenants shall have the entire vote as to the property so held and holders of remainder interests only shall have no vote by reason thereof. In no event shall any person be entitled to more than one (1) vote. The books and records of the Town, in the case of property owners and residents of the Town, and the books and records of the Board of Assessment of Kent County, in the case of property owners and residents of the territory to be annexed, shall be conclusive evidence of the right of such property owners and citizen to vote at the special election.

(2.27) In the event that an individual holds a power of attorney duly executed and acknowledged specifically authorizing the said individual to vote at the said special election, a duly authenticated power of attorney shall be filed with the Town Council. Said power of attorney so filed shall constitute conclusive evidence of the right of said person to vote in the special election.

(2.28) The Town Council may cause voting machines or paper ballots to be used in the special election, the form of ballot to be printed as follows:

[ ] For the proposed annexation

[ ] Against the proposed annexation

(2.29) The Mayor shall appoint three (3) persons to act as a Board of Special Elections, at least one (1) of whom shall own property in the Town and at least one (1) of whom shall own property in the territory proposed for annexation. One (1) of the appointees shall be designated the Presiding Officer. Voting shall be conducted in a public place as designated by the resolution calling the special election. The Board of Special Elections shall have available, clearly marked, two (2) voting machines or ballot boxes. All votes cast by those persons, partnerships or corporations authorized to vote as residents or property owners in the territory proposed to be annexed shall be accomplished on one such voting machine or ballot box and all ballots cast by those persons, partnerships, or corporations authorized to vote as residents or property owners of The Town of Woodside shall be accomplished on the other such voting machine or ballot box. The polling place shall be open for no less than four (4) hours on the date set for the special election. All persons in the polling place at the time of the closing of the polls shall be permitted to vote, even though such votes are not cast until after the time for closing of the polls.

(2.30) Immediately upon the closing of the polling place, the Board of Special Election shall count the ballots for and against the proposed annexation and shall announce the result thereof; the Board of Special Election shall make a certificate under their hands of the votes cast for and against the proposed annexation and the number of void votes and shall deliver the same to the Town Council. Said certificate shall be filed with the papers of the Town Council.

(2.31) In order for the territory proposed for annexation to be considered annexed, a majority of the votes cast from the Town and a majority of the votes cast from the territory proposed to be annexed must have been cast in favor of the annexation. If the annexation is not approved, no part of the territory considered at the special election for annexation shall again be considered for annexation for a period of at least one (1) year from the date of the special election. If a favorable vote for annexation shall have been cast, or an annexation is approved pursuant to section 2.21, the Town shall cause a description and a plot of the territory so annexed to be recorded in the Office of the Recorder of Deeds, in and for Kent County. The territory so annexed shall be considered part of the Town from the date of recordation. The failure to record the description and the plot within ninety (90) days of the date of the special election shall not make the annexation invalid, but such annexation shall be deemed to be effective at the expiration of the ninety (90) day period from the date of the favorable special election.

(2.32) Notwithstanding any provision herein to the contrary, where annexation proceedings are initiated by a property owner(s) holding record title to real property in territory contiguous to the then existing corporate limits of the Town, such petition may be made contingent upon an annexation agreement with the Town, which agreement may address any matters which would be relevant to the subject lands, if annexed. By way of example and not in limitation, such agreement may address zoning, subdivision approval, site plan approval, tax relief, public utilities, and public improvements. In the event the Town Council approves such an agreement, the agreement shall be deemed a material part of the annexation, and the Town and petitioners shall be bound to honor the provisions of such agreement unless released therefrom by the other party. No annexation agreement shall extend beyond seven years from the date the property is annexed into the Town, and such agreements shall be null, void, and unenforceable after the expiration of said seven years.

(2.33) Real property owned by the State of Delaware may be annexed into the Town without the State's casting a vote in a special election, provided the state agency having control and supervision thereof does not notify the Town, in writing, of its objection to such annexation within 30 days after notice of the resolution scheduling the public hearing.

(2.34) Contiguity with the Town's existing corporate limits, or with other territory which is itself contiguous with the Town's existing corporate limits, shall not be deemed interrupted by the existence of any highway, street, road, alley, pond, canal, stream, or other body of water running parallel with and between the parcel sought to be annexed, but nothing herein shall be construed to allow rights of way, utility easements, waterways, or like entities to be annexed in "corridor" fashion or to be utilized as a corridor route for annexation to create contiguity.

(2.35) No action contesting the annexation of any territory under this section shall be brought after the expiration of 60 days from the publication of a notice in a newspaper of general circulation in the Town and in the territory annexed, which notice shall contain the following information:

(a) Notice that the Town has annexed such territory and a description thereof.

(b) Notice that any person or other legal entity desiring to challenge such annexation must bring his/her/its action within 60 days from the date of publication of such notice or forever be barred from doing so.

(c) Such notice shall be in bold print or bordered in black in such manner as to call attention thereto.

(d) In the event the publications and/or postings do not appear on the same date, the date of the first publication or posting shall control.

Section 3. Amend Section 3, Chapter 204, Volume 63, Laws of Delaware, as amended, by making insertions as shown by underlining and deletions as shown by strike through as follows:

(3.1) Town Council. The government of the Town, and the exercise of all powers conferred upon it by this Charter or by the laws of the State of Delaware shall be vested in a Town Council composed of a Mayor ~~, Treasurer, Secretary, Tax Collector, and three "non-officer" Council members,~~ and four (4) Council members, all of whom shall be elected at-large by the qualified voters of the Town as is more fully hereinafter set forth.

(3.2) Qualifications for Office. No person shall be eligible to run for ~~any office or Council seat in the Town~~ Mayor or Council unless he or she is at least twenty-one years of age, has not been convicted of a felony, and has been a bona fide domiciliary of the Town for at least six months prior to the day of the election. No person shall be eligible to run for more than one position on the Council at any election. ~~In addition, no person shall be eligible to run for any Town office or Council seat unless and until he shall have complied with such ordinances governing the nomination of candidates adopted by the Town Council, if any, provided however, that no such ordinance shall alter the qualifications for office as are set forth in this Charter. No person shall be eligible to run for more than one position on the Council at any election, and no member of Council whose term of office does not expire at the upcoming election may be a candidate for another position on Council in that election unless he first resigns from his existing position at least thirty days prior to the date of the election.~~

(3.3) Elections.

(3.31) Date ~~, Place, Notice.~~ Town elections shall be held on the last Saturday in March of each year at such place as shall be determined by the Council, with the polls remaining open for at least four (4) hours. ~~at the Town Hall or at such other convenient place within the Town limits as the Council shall establish by resolution. The Council shall advertise the place, date, and times of the election at least once a week for two successive weeks immediately prior to said election in a newspaper of general circulation in the Town of Woodside, and post public notices containing that information in at least three public places within the Town at least two weeks prior to the day of the election.~~

(3.32) Conduct of elections. ~~Time, Voting Machines, Paper Ballots.~~

~~In any election where one or more offices or Council seats are contested. the polls shall remain open between the hours of 10:00 a.m. and 7:00 p.m.. and the elections shall be conducted with the use of voting machines obtained from the Department of Elections of Kent County, or its successor. In any Town election where no contest exists as to any office or~~

~~Council seat, the polls shall remain open at least between the hours of 6:00 p.m. and 7:00 p.m.; in uncontested elections the use of voting machines shall not be required. but all paper ballots shall be deposited into a Ballot Box by the officers conducting the election, and shall not be removed until the election is closed, at which time the ballots shall be removed and counted openly and publicly in the presence of such citizens of the municipality as may care to attend.~~

(a) The Town Council shall follow the rules governing the conduct of elections and voting procedures found in 15 Del. C. Ch. 75 ("Municipal Elections"), as it may be hereby amended from time to time, and any other existing or future corresponding provisions of law. The Town Council may, by ordinance or resolution, adopt such rules, not inconsistent with the provisions of this Charter or with controlling state or federal law, governing the conduct of elections.

(b) Notice of solicitation of candidates shall be posted conspicuously within the Town at least twenty (20) days prior to the filing deadline to run for the offices up for election and shall include the terms of the offices up for election, the qualifications to run for each office, and the filing procedures and deadline to run for office. All notices shall be sent to the Department of Elections within three (3) business days of posting the same and shall be posted on any website operated by the Town.

(c) In order to be listed on the ballot at any regular Town election, each candidate shall file a written and signed notice of intention to seek office with the Town, on a form prescribed by the Town, before five o'clock in the afternoon on the last Friday in February (the filing deadline). Such form shall identify the office the candidate is running for and shall contain a signed statement that the candidate meets all the qualifications for office. No later than one (1) business day following the filing deadline, the Town shall submit the names of the candidates for each office up for election to the Delaware Department of Elections. The Town Council may, by ordinance or resolution, adopt such rules, not inconsistent with the provisions of this Charter or with controlling state or federal law, governing the notice of solicitation of candidates.

(d) The Council Secretary shall review all notices of intention to seek office for compliance with the qualifications for office, and if the Council Secretary determines that any candidate may not meet the qualifications for office, the prospective candidate shall be notified of such and a special meeting of the Town Council shall be called and held no fewer than twenty-one days prior to the date set for the election, at which the Town Council shall decide the matter. The candidate whose qualifications are at issue shall be notified, by registered mail, of the date, time and place of the hearing, at which he/she may appear and testify. If the Town Council determines that the candidate does not meet the qualifications for office, it shall reject his/her notice of intention to seek office and his/her name shall not appear on the ballot. In making the determination, only those members of the Town Council who are not competing for that seat shall be entitled to vote on the question.

(e) All candidates shall file a certificate of intention or statement of organization if either is applicable and required under 15 Del. C. Ch. 75 ("Municipal Elections") as it may be hereby amended from time to time, and any other existing or future corresponding provisions of law.

(f) Notice of elections shall be posted in a conspicuous public place within the town no later than twenty (20) days prior to the election date. The notice of elections shall include the date, time, and place of the election, the names of the candidates for each office, and the qualifications to vote. The Town Council may, by ordinance or resolution, adopt such rules, not inconsistent with the provisions of this Charter or with controlling state or federal law, governing the notice of elections. All notices shall be sent to the Department of Elections within three (3) business days of posting the same and shall be posted on any website operated by the Town.

(g) Persons appearing to vote shall present proof of identity and address pursuant to 15 Del. C. Ch. 75 ("Municipal Elections"), as it may be hereby amended from time to time, and any other existing or future corresponding provisions of law. All questions regarding an individual's qualification to vote raised prior to the day of the election shall go before the Board of Elections, and an individual shall be given notice and an opportunity to be heard before the Board of Elections makes a determination regarding that individual's qualifications to vote. Questions regarding an individual's qualifications to vote that are raised at the time of voting shall be resolved by the Board of Elections or its designated election officers.

(h) Voting Machines. Elections shall be by voting machine provided by the Department of Elections in accordance with 15 Del. C. Ch. 75 ("Municipal Elections"), as it may be hereby amended from time to time, and any other existing or future corresponding provisions of law.

(i) Election Results; ties; preservation of ballots and records. Within forty-eight (48) hours of the close of the election, the Board of Elections shall count the votes, and the candidate(s) having the highest number of votes for each office shall be certified by the Board of Elections to be duly elected to such office. In the event of a tie vote for any office, the inspector, or in the absence of an inspector a member of the Board of Elections, shall break such tie by the toss of a coin. All ballots cast and all records of the election kept by the Board of Elections shall be preserved in the custody of the Board of Elections for a period of thirty (30) days, unless the election is contested or an appeal is filed in a court of appropriate jurisdiction, in which case such ballots and records shall be preserved until further direction of the reviewing body or court having jurisdiction.

(k) Election Record Book. The Board of Elections shall enter in a book, to be provided for that purpose, the results of the election, containing the names of the persons elected. The members of the Board of Elections shall subscribe the same. The book, containing such matters, shall be preserved by the Town Council. Failure to keep such a book shall have no effect on the validity of an election.

(l) Uncontested Elections. In the event that the number of individuals filing or nominated for office is equal to or less than the number of seats up for election, those individuals who filed or were nominated shall be deemed to be elected for a full term and it shall not be necessary to have an election.

(m) Compliance with State Regulations. The Town shall act in accordance with the state laws governing municipal voting found in 15 Del. C. Ch. 75 ("Municipal Elections"), as it may be hereby amended from time to time, and any other existing

or future corresponding provisions of law, and the Town shall implement the election provisions found in this Charter in accordance with the state laws governing municipal voting.

(3.33) Elections Board. Every election shall be held under the supervision of a Board of Elections. The Board of Elections shall have an odd number of members consisting of no fewer than three (3) persons (as determined by the Town Council) who shall be qualified voters of the Town and shall not be an elected official or candidate for Town office or an immediate family member of such (mother, father, spouse, son, daughter, brother, sister, including half-brothers and sisters, step-family members and in-laws) and who shall be appointed for that purpose by the Town Council. The Board of Elections shall serve for a term of one year commencing at the meeting at which the Board is appointed, provided that the term of the Board of Elections shall in no instance expire until a successor Board of Elections has been appointed. Members of the Board of Elections may serve multiple terms. The Town Council may appoint one (1) or more individuals to serve as alternate Board of Elections members. Each board member shall be confirmed and have his/her name and contact information publicly posted in accordance with 15 Del. C. Ch. 75 ("Municipal Elections"), as it may be hereby amended from time to time, and any other existing or future corresponding provisions of law. The Town shall notify the State Election Commissioner and Department of Elections of the members appointed to the Board of Elections. If absentee ballot voting is permitted by the Town, the Board of Elections shall oversee the absentee ballots and shall either appoint an odd number of absentee ballot judges or, at the discretion of the Town Council, act itself as the absentee ballot election judges. If, at the opening of the polls, there shall not be present all the members of the Board of Elections, the ranking Town officer available at the opening of the polls shall appoint a qualified voter or voters to act as a member or members of the Board of Elections to fill such vacancies caused by the absence of the previously appointed member(s) of the Board of Elections through the conclusion of the election. Subject to any legal rights to appeal, members of the Board of Elections shall be the sole and final judges of the conduct of the election and of the legality of the votes offered. The Board of Elections shall keep a list of all voters voting at said election. The Board of Elections shall have the power to subpoena persons, and officers of the Town, and books, records and papers relative to the determination of the qualifications of voters and the legality of any vote or votes offered. The Town Council may appoint election officers (including an inspector) when needed to administer elections. In the absence of the appointment of election officers by the Town Council at least fifteen (15) days prior to the election date, members of the Board of Elections shall either (i) act as election officers, designating one of the board members as the inspector, or (ii) appoint such number of election officers (including an inspector) as deemed necessary by the Board of Elections.

~~Every election shall be conducted by an Elections Board consisting of the Mayor, or any other qualified voter in the Mayor's absence, and two other citizens of the Town chosen by those legally qualified voters present at the opening of the polls.~~

~~The Election Board shall pass upon the qualifications of voters and conduct the election, keeping a list of all voters who vote. At the close of such election the Board shall canvass the votes, and the candidates having the highest number of votes for each office or Council seat shall be declared elected. Certificates shall be made out and delivered to the person or persons so elected, and the results of the election shall be noted on the records of the Town. In the event of a tie, the Elections Board shall, by majority vote, determine who is to be elected.~~

(3.34) Voter Qualifications. Each person who, on the day of election, is a United States citizen and:

(a) is eighteen years of age or older; and

(b) has been continuously domiciled in the Town for at least thirty days; and

(c) has not been adjudged ~~an idiot, insane, or~~ a mentally incompetent person by a Court of competent jurisdiction; and

(d) has not been ~~convicted of a felony, nor been~~ disenfranchised pursuant to Section 3 or Section 7, Article V of the Constitution of the State of Delaware; and

(e) has properly registered to vote in elections of the Town of Woodside according to such ordinances, if any, adopted by the Town Council governing registration of such voters shall be entitled to vote in any regular or special election of the Town.

For purposes of this section (3.34) a person is "domiciled" in the Town when he physically resides within the corporate limits of the Town with the actual intent to make that residence his fixed and permanent home; provided however, any person who is enlisted or engaged in any government service of the United States or any military organization of this State or of the United States, which service requires him to reside outside the limits of the Town, shall be considered to be a domiciliary of the Town during the period of his service so long as it remains his actual intention to retain his Woodside residence as his fixed and permanent home.

Section 4. Amend Section 3, Chapter 204, Volume 63, Laws of Delaware, as amended, by making insertions as shown by underlining and deletions as shown by strike through as follows:

(3.41) Terms. The term of office of the Mayor and all other council members ~~shall be one year and the terms of all other officers~~ shall be two years from the day after their respective elections and until their respective successors shall be duly elected and qualified. Commencing in 2019, the elected seats of Treasurer, Secretary, and Tax Collector shall be converted to regular Council seats, and thereafter the Mayor and two council members shall be elected in odd-numbered years and the other two council members shall be elected in even-numbered years. All town officials elected prior to 2019 shall continue to serve until the completion of their terms, after which time they may run for any open offices at the next annual election. ~~; provided however, that in 1982, the three "non-officer" councilmembers shall be elected to serve for a term of only one year or until their successors are duly chosen and qualified. At every subsequent annual election, the successors to the officers and council members whose terms have expired shall be chosen to serve for a term of two years, with the exception~~

~~of the Mayor whose term shall always be one year, the result being that the Treasurer, Secretary, and Tax Collector shall be elected in even numbered years and the non-officer council members shall be elected in odd-numbered years.~~

Section 5. Amend Section 3, Chapter 204, Volume 63, Laws of Delaware, as amended, by making insertions as shown by underlining and deletions as shown by strike through as follows:

(3.43) Filling Vacancies. In the event that the position of any elected officer or council member becomes vacant ~~by reason of the~~ for any reason including but not limited to the death, resignation, or forfeiture of office by the person holding that position during his term of office, the remaining members of the Council shall themselves elect, by majority vote, another qualified person to serve until the next regular election at which time such vacancy shall be filled by election to serve the remainder of the term, if any there be.

(3.5) Compensation, Reimbursement.

(3.51) Compensation. Each ~~officer-member~~ member of the Town Council ~~(ie. Mayor, Treasurer, Secretary, and Tax Collector)~~ may receive the sum of $25.00 for each regularly scheduled town council meeting attended. ~~Each of the three non-officer council members may receive the sum of $10.00 for each regularly scheduled meeting attended.~~ These monies shall be paid from the general funds of the Town not less than every four months.

Section 6. Amend Section 3, Chapter 204, Volume 63, Laws of Delaware, as amended, by making insertions as shown by underlining and deletions as shown by strike through as follows:

(3.7) Organizational Meeting; Officers.

(3.71) Organizational Meeting; Oath of Office. An organizational meeting of the Town Council shall be held as soon as practicable, but not fewer than seven (7) days, following the determination of the election results by the Election Board. Such meeting shall be held at the usual place for holding regular meetings. The newly elected Council-members shall assume the duties of their respective offices, being first duly sworn or affirmed to perform their duties with fidelity, which oath or affirmation shall be taken before a Notary Public, a Justice of the Peace, the Mayor, or by one of the holdover Council-members. At the organizational meeting, the Mayor shall appoint from the other members of the Town Council a Secretary and Treasurer, subject to confirmation by the Town Council. Each of these officers shall serve in that position for a term of one year or until the organizational meeting after the next succeeding election, unless sooner removed from such office by unanimous vote of the remaining members of the Town Council. ~~Before entering upon the duties of their office, the newly elected members of Council shall be sworn by a Notary Public, a Justice of the Peace, the hold-over Mayor, a hold-over member of Council, or any Judge of the State of Delaware, to faithfully and impartially perform the duties of their respective offices.~~

Section 7. Amend Section 3, Chapter 204, Volume 63, Laws of Delaware, as amended, by making insertions as shown by underlining and deletions as shown by strike through as follows:

(3.75) Tax Collector.

A qualified individual or entity shall be appointed each year by the Mayor at the organizational meeting, subject to confirmation by the Town Council, to serve as Tax Collector. Any member of Council other than the Treasurer may be appointed as Tax Collector. The Tax Collector, before entering upon the duties of his office, shall be bonded by the Town with sufficient surety to be approved by Council in a penal sum equal to 150% of the amount of what may be likely to come into his hands, conditioned for the faithful discharge of the duties of his office and for the settlement of his accounts with the Treasurer of the Town not later than the last day of each fiscal year, and ~~oftener~~ more often and at such other times as Council may require, to which bond and warrant there shall be annexed a warrant of attorney for the confession of judgment for said penalty.

The Tax Collector shall be responsible for the collection of all Town taxes, interest, and penalties, and all other kinds of Town revenue and money from time to time due the Town. The Tax Collector shall pay all monies collected by him to the Town Treasurer not less than once every two months.

(3.75) Officers and Employees. The Town Council may employ such other officers, agents, employees, and inspectors as it may deem proper and necessary for the proper conduct and management of the Town.

(3.8) Meetings.

(3.81) Regular meetings. The Town Council shall meet regularly at least once every other month in the odd-numbered months at such time and location as determined by the Town Council. ~~on the first Tuesday of the odd-numbered months of each year, provided that when any regularly scheduled meeting falls on a holiday, that meeting shall be held on the next business day~~

~~The regularly scheduled council meetings shall be held at the Town Hall in the Town at 7:30 p.m. unless the Council, by majority vote of those members present at a duly convened regular or special meeting of council at which a quorum is present, selects some other place or time; provided however, that no regularly scheduled council meeting shall be held outside the Town limits of the Town of Woodside.~~

(3.82) Special Meetings; Waiver of Notice

Special meetings shall be called by the Secretary upon the written request of the Mayor, or upon the written request of any two members of Council, stating the day, hour, and place of the special meeting requested and the subject or subjects proposed to be considered thereat. The Secretary shall thereupon give written notice to the Mayor and to each member of Council of the day, hour, and place of such special meeting and of the subject and subjects proposed to be considered thereat. Such notice by the Secretary must be deposited in the U.S. mails at least forty-eight hours prior to the time set for such special meeting; provided however, that a written waiver of such notice, signed by the Mayor and all other members of Council prior to or immediately upon the convening of such special meeting shall make the forty-eight hour written notice unnecessary, and shall authorize and make valid the holding of a special meeting at any time named in such waiver, and the transaction of any business referred to in the waiver, or the transaction of any other business at the meeting, if the

waiver so states. In lieu of mailing written notice to Council, notice may be provided by means of electronic communication. The Town Council of the Town of Woodside shall have the same power and authority to enact all ordinances, adopt all resolutions, pass all motions, make all orders and transact all business at any such special meeting, called as aforesaid, as Council has at a regular meeting. In addition to notifying the members of Council, the Secretary shall also, at least twenty-four hours before the time of such special meeting, give public notice thereof by posting a copy of the notice and proposed agenda at the Town Hall, and making a reasonable number of copies thereof available to the public upon request.

Section 8. Amend Section 4, Chapter 204, Volume 63, Laws of Delaware, as amended, by making insertions as shown by underlining and deletions as shown by strike through as follows:

(4.5) Collection and Tax Liens.

The Tax Collector shall immediately after receiving said list from the council proceed to collect the taxes as written and contained in said list. ~~The Tax Collector, in collecting such taxes shall have all powers conferred by law on the Receiver of Taxes in Kent County by virtue of the laws of Delaware now in force or hereafter enacted.~~ All taxes, charges, costs, and assessments levied on real estate under authority this Charter shall be and continue as a lien against the property assessed for a period of five years from the date prescribed herein for the delivery of the assessment list to the Town Tax Collector. Such lien may be extended in the same manner as provided by law for the extension of tax liens for Kent County taxes. The Town shall have all of the same powers, remedies, and authority, including the monition method of the collection of taxes, as conferred upon the Kent County Government under 9 Del. C. Ch. 87 (“Collection of Delinquent Taxes”), as the same may from time to time hereafter be amended, or in accordance with any future corresponding provision of law, upon those individuals and/or departments authorized to collect delinquent taxes in Kent County. In the event that the Town Solicitor is employed to bring any legal action in any Court of law or equity on behalf of the Town for the collection of any taxes, or any other costs, charges and/or assessments due to the Town, and if the Town in said action shall recover judgment in any sum, then the Town shall also recover in said action, the costs of the suit, reasonable attorney's fees incurred, and other reasonable and necessary out-of-pocket expenses incurred by the Town in such collection proceeding. Said costs and reasonable attorney's fees incurred shall be entered, allowed and paid as part of the decree of judgment in said action, and shall constitute a lien upon all of the real estate of the taxable as allowed by Delaware law, becoming a part of, relating back to, and having the same preference and priority as the lien of said taxes due.

Whenever it becomes necessary or expedient for the Town to file any legal action or proceeding to enforce compliance with a Town ordinance and/or to collect an amount due to the Town before any court or administrative agency having jurisdiction thereof, if the Town is the prevailing party in such action, the court or administrative agency having jurisdiction shall be authorized, in the exercise of its reasonable discretion, to award judgment to the Town in an amount deemed appropriate by it to reimburse the Town for its costs of prosecution, including court costs, expert witness fees, reasonable

attorney's fees, and other documented out-of-pocket expenses incurred in connection with such prosecution; provided, however, that in order to recover such amounts under this section, the Town shall, prior to the filing of such legal action or proceeding, make written demand upon the responsible party for compliance with the ordinance and/or payment of the amount due (as the case may be), which written demand shall include notice of this provision of the Town Charter.